

HOUSE BILL No. 1150

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5-8.

Synopsis: Bringing alcoholic beverages to an outdoor concert. Allows an outdoor place of public entertainment used primarily in connection with live music concerts to allow a person to enter its establishment with alcoholic beverages and consume the alcoholic beverages on the premises.

Effective: July 1, 2008.

Richardson

January 8, 2008, read first time and referred to Committee on Public Policy.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1150

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-5-8-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) It is unlawful for
3 a person who owns or operates a private or public restaurant or place
4 of public or private entertainment to permit another person to come
5 into the establishment with an alcoholic beverage for sale or gift, or for
6 consumption in the establishment by that person or another, or to serve
7 a setup to a person who comes into the establishment. However, the
8 provisions of this section shall not apply to the following:

9 (1) A private room hired by a guest of a bona fide club or hotel
10 that holds a retail permit.

11 (2) A facility that is used in connection with the operation of a
12 paved track that is used primarily in the sport of auto racing.

13 **(3) An outdoor place of public entertainment that:**

14 **(A) has an area of at least four (4) acres and not more than**
15 **six (6) acres;**

16 **(B) is located within one (1) mile of the White River;**

17 **(C) is owned and operated by a nonprofit corporation**



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1 exempt from federal income taxation under Section
 2 501(c)(3) of the Internal Revenue Code; and
 3 (D) is used primarily in connection with live music
 4 concerts.

5 (b) An establishment operated in violation of this section is declared
 6 to be a public nuisance and subject to abatement as other public
 7 nuisances are abated under the provisions of this title.

8 SECTION 2. IC 7.1-5-8-5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) This section does
 10 not apply to a person who, on or about a licensed premises, carries,
 11 conveys, or consumes beer or wine:

12 (1) described in IC 7.1-1-2-3(a)(4); and

13 (2) not sold or offered for sale.

14 (b) This section does not apply to a person at a facility that is used
 15 in connection with the operation of a track that is used primarily in the
 16 sport of auto racing.

17 (c) This section does not apply to a person at an outdoor place
 18 of public entertainment that:

19 (1) has an area of at least four (4) acres and not more than six
 20 (6) acres;

21 (2) is located within one (1) mile of the White River;

22 (3) is owned and operated by a nonprofit corporation exempt
 23 from federal income taxation under Section 501(c)(3) of the
 24 Internal Revenue Code; and

25 (4) is used primarily in connection with live music concerts.

26 ~~(c)~~ (d) It is a Class C misdemeanor for a person, for the person's
 27 own use, to knowingly carry on, convey to, or consume on or about the
 28 licensed premises of a permittee an alcoholic beverage that was not
 29 then and there purchased from that permittee.

30 SECTION 3. IC 7.1-5-8-6 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. ~~Taking Liquor Into~~
 32 ~~Restaurant Prohibited:~~ (a) It is a Class C misdemeanor for a person to
 33 knowingly carry liquor into a restaurant or place of public
 34 entertainment for the purpose of consuming it, displaying it, or selling,
 35 furnishing, or giving it away to another person on the premises, or for
 36 the purpose of having it served to himself or another person, then and
 37 there. It is a Class C misdemeanor to knowingly consume liquor
 38 brought into a public establishment in violation of this section.

39 (b) This section does not apply to a person at an outdoor place
 40 of public entertainment that:

41 (1) has an area of at least four (4) acres and not more than six
 42 (6) acres;

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- 1 **(2) is located within one (1) mile of the White River;**
- 2 **(3) is owned and operated by a nonprofit corporation exempt**
- 3 **from federal income taxation under Section 501(c)(3) of the**
- 4 **Internal Revenue Code; and**
- 5 **(4) is used primarily in connection with live music concerts.**

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